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Mailed: APR 8 2004

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Paper Number 8

In re application of :  
Xie Yuefeng : DECISION ON  
Serial No. 10/049,471 : PETITION  
Filed: February 12, 2002 :  
For: METHOD OF USING WASTE TIRES AS A FILTER MEDIA :

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181, filed December 29, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed November 12, 2003, be withdrawn since the applicant did not receive the Office letter mailed April 3, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicant or any authorized representative of the applicant did not receive the Office letter, mailed April 3, 2003. The evidence provided includes a statement by the petitioner that the Office letter, mailed April 3, 2003 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter was not received. Also provided is a copy of the attorney's application docket records where the Office letter would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Office letter originally mailed April 3, 2003 and restarting of the period of response from the remail date thereof.

The Petition is GRANTED.

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